



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL CAMERON, M.D.,

Plaintiff,

v.

JANN BELLAMY; DAVID H. GORSKI,
M.D.; STEVEN NOVELLA, M.D.;
KIMBALL C. ATWOOD, IV, M.D.;
HARRIET HALL, M.D.; and MARK
CRISLIP, M.D.,

Defendants.

Case No: 7:18-cv-10395 (VB)

**STIPULATION OF VOLUNTARY
DISMISSAL OF DEFENDANT MARK
CRISLIP M.D WITHOUT PREJUDICE**

It is hereby stipulated by and between the undersigned attorneys for the Plaintiff and defendant Mark Crislip M.D. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Daniel Cameron, M.D., by and through undersigned counsel, that the foregoing action against Defendant Mark Crislip M.D., in the above-captioned matter be and hereby is discontinued without prejudice upon the folloing agreed terms:

- (a) Plaintiff shall have the right to file a motion to re-join defendant Dr. Crislip in this action upon discovery of facts which were not disclosed in said defendant's papers filed in support of his motion to dismiss which would show that Dr. Crislip was involved with the writing, editing, or publishing of the articles identified as Exhibits "A" and "C" through "D" in defendant Jann Bellamy's affidavit in support of motion to dismiss dated March 11, 2019 (Dkt. No. 83). Notwithstanding the foregoing, Plaintiff shall not file a motion to re-join Dr. Crislip as a defendant in the absence of obtaining evidence in support of such motion sufficient to demonstrate that Dr. Crislip is an "information content provider" within the meaning of 47 U.S.C. § 230(f)(3), which shall not consist solely of evidence of his general role relative to

the Science-Based Medicine blog, but rather is evidence specific to the articles identified in the Bellamy affidavit and in the Amended complaint.

- (b) The parties shall bear their own costs and attorneys fees and Defendant's claims for damages and attorneys fees raised in the motion to dismiss and in any papers filed heretofore are hereby discontinued and voluntarily dismissed. Notwithstanding the foregoing, in the event Plaintiff files a motion to re-join Dr. Crislip as a defendant or files a new suit against Dr. Crislip in this or any other court on the basis of the facts and transactions alleged in the Complaint and/or the Amended Complaint, Dr. Crislip shall not be precluded from raising or reasserting his claim for attorneys' fees and costs as previously raised in this action or otherwise.

Dated: April 19, 2019

Respectfully submitted,

/s/ Jacques G. Simon

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Attorney for Plaintiff Daniel Cameron, M.D.

*Attorneys for Defendant,
Mark Crislip M.D.*

SO ORDERED:

Hon. Vincent L. Briccetti
United States District Judge

April 22, 2019

/s/ Kevin Conklin, Esq.

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